

CD



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/784,553	02/16/2001	Ming-Ming Zhou	2459-1-003 CIP	3124

23565 7590 06/03/2004

KLAUBER & JACKSON  
 411 HACKENSACK AVENUE  
 HACKENSACK, NJ 07601

EXAMINER
----------

LUCAS, ZACHARIAH

ART UNIT	PAPER NUMBER
----------	--------------

1648

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



**UNITED STATES DEPARTMENT OF COMMERCE**

**U.S. Patent and Trademark Office**

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

EXAMINER
----------

ART UNIT	PAPER
----------	-------

20040518

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

Notice of Non-Responsive Amendment.

Art Unit: 1648

***Response to Amendment***

1. The reply filed on May 6, 2004 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): the Applicant did not make all of the elections required by the restriction requirement (see below). See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

2. In the Response to the Restriction Requirement, the Applicant elected Group II and Group A (SEQ ID NO: 3). However, it is noted that the restriction requirement states: "if the Applicant elects this subgroup, applicant is required to elect é specific sequence to be searched." Restriction requirement, page 4 (parenthetical note in the description of Subgroup A). Thus, in order to be fully responsive, the Applicant is required to elect a sequence to be searched that falls within the genus of sequences described by SEQ ID NO: 3.

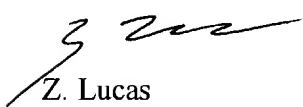
It is noted that the Applicant appears to have attempted to make an election in the May 6 Response. However, the election made does not define a specific sequence as was required in the restriction requirement. What is required is that the Applicant elect a defined sequence within the genus of sequences described by SEQ ID NO: 3. For example, SEQ ID NO: 21 appears to include a sequence falling within the claimed genus (residues 29-52).

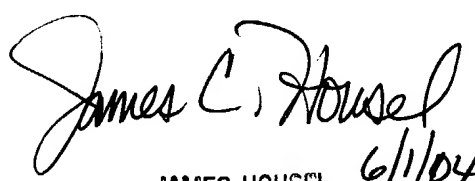
Art Unit: 1648

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zachariah Lucas whose telephone number is 571-272-0905. The examiner can normally be reached on Monday-Friday, 8 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Housel can be reached on 571-272-0902. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Z. Lucas  
Patent Examiner

  
JAMES HOUSEL 6/1/04  
SUPERVISORY EXAMINER  
TECHNOLOGY CENTER 1600